

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

Las Tres Rosas, Inc.)	
Refusal to Renew)	
for the premises located at)	
3253 West Cermak Road)	Case No. 07 LA 34
)	
v.)	
)	
Department of Business Affairs & Licensing)	
Local Liquor Control Commission)	
Mary Lou Eisenhauer, Acting Director)	
)	
)	

ORDER

OPINION OF CHAIRMAN FLEMING JOINED BY COMMISSIONERS KOPPEL AND SCHNORF

On June 12, 2007, Scott Bruner, then the Director of the Local Liquor Control Commission, refused to review the licenses for Las Tres Rosas, Inc. because the approved officer did not personally come to the offices of the Local Liquor Control Commission. The licensee filed a timely notice of appeal with this Commission. The matter was continued several times for the parties to reach an agreement. They were unsuccessful in that attempt and the matter proceeded to hearing on October 16, 2008.

At the hearing, the parties through their respective attorneys, entered into stipulation as to what testimony Celia Hernandez would testify that on April 10, 2006, she entered into a contract for the purchase of 100% of the issued stock of Las Tres Rosas, Inc. from David Valdez who was the sole shareholder of the corporation. On May 7, 2007, prior to the execution of any

documents transferring the stock, Mr. Valdez passed away. The balance of this stipulation deals with Ms. Hernandez's unsuccessful attempts at having Alderman Munoz lift the moratorium in this area.

Additional evidence at the hearing established that an adjudication hold had been placed on this license. This hold requires an in person renewal by the person responsible for the license. David Valdez was that person. Since he had passed away in May he could not appear in August for the in person renewal.

This is a case which the Local Liquor Control Commission should be commended for its willingness to work with Ms. Hernandez and her attorney to resolve this matter. Unfortunately, without aldermanic approval to lift the moratorium there seems to be no way for Ms. Hernandez to be successful in getting a license for Las Tres Rosas, Inc.

The City has met its burden that the required individual did not come to the Local Liquor Control Commission to renew its license in person. The refusal to renew the license of Las Tres Rosas, Inc. is affirmed.

THEREFORE, IT IS HEREBY ORDERED That the said order or action of the Local
Liquor Control Commissioner of the City of Chicago be and the same hereby is AFFIRMED.

Pursuant to Section 154 of the Illinois Liquor Control Act, a petition for rehearing may be filed with this Commission within TWENTY (20) days after service of this order. The date of the mailing of this order is deemed to be the date of service. If any party wishes to pursue an administrative review action in the Circuit Court, the petition for rehearing must be filed with this Commission within TWENTY (20) days after service of this order as such petition is a jurisdictional prerequisite to the administrative review.

Dated: December 9, 2008

Dennis M. Fleming
Chairman

Irving J. Koppel
Member

Stephen B. Schnorf
Member

